

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD BALDWIN, <u>ET AL.</u> ,	:	
Plaintiffs	:	CIVIL ACTION NO. 3:14-CV-2346
	:	(Judge Nealon)
v.	:	
	:	
MONTEREY FINANCIAL	:	
SERVICES, INC.,	:	
Defendant	:	

ORDER

AND NOW, THIS 30TH DAY OF SEPTEMBER, 2016, in accordance
with the Memorandum issued this date, **IT IS HEREBY ORDERED THAT:**

1. Defendant's motion for summary judgment, (Doc. 14), is **GRANTED** in part and **DENIED** in part.
2. Defendant's motion for summary judgment, (Id.), is **GRANTED** as to Plaintiffs' Pennsylvania Fair Credit Extension Uniformity Act ("FCEUA") claim under 73 P.S. § 2270.4(b)(1)(ii) concerning Defendant's communication with Donna Moyer, as well as Plaintiffs' FCEUA claims under sections 2270.4(b)(5)(ii), 2270.4(b)(5)(x), and 2270.4(b)(6)(i).
3. Defendant's motion for summary judgment, (Id.), is **DENIED** as to Plaintiffs' claims under the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq.; FCEUA claim under section 2270.4(b)(1)(ii) concerning Defendant's communication with Shawn Yorke; FCEAU claims under sections 2270.4(b)(2)(ii), 2270.4(b)(4), 2270.4(b)(4)(6) and 2270.4(b)(6); and state law tort claim of invasion of privacy by intrusion upon seclusion.
4. As for Plaintiffs' remaining FCEUA claims, the Court hereby gives notice to the parties that the Court is considering summary judgment in favor of Defendant on the ground that there appears to be a lack of

sufficient evidence in the current summary judgment record establishing a genuine issue of material fact that Plaintiffs' remaining FCEUA claims can satisfy Pennsylvania's Unfair Trade Practices and Consumer Protection Law, 73 Pa. Cons. Stat. §§201-1 to 201-9.3 ("UTPCPL"). Therefore, pursuant to Federal Rule of Civil Procedure 56(f), Plaintiffs will be given time to respond to this notice. Plaintiffs shall file their statement of material facts, evidence, and supporting brief, if any, on or before **October 31, 2016**, addressing the whether there is a genuine issue of material fact as to whether Defendant's alleged actions, which serve as the basis of Plaintiffs' remaining FCEUA claims, can satisfy the UTPCPL. Defendant may file its response to Plaintiffs' filing(s), if any, within fourteen (14) days after service of those filings. Plaintiffs may file a reply to Defendant's brief, if any, within fourteen (14) days after service of Defendant's response. If Plaintiffs do not file an initial response in accordance with this Order and the accompanying Memorandum, the Court will address Plaintiffs' remaining FCEUA claims using the current summary judgment record.

/s/ Willaim J. Nealon
United States District Judge